

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SOLOMON BRYANT, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

VELMA BRYANT-WEATHERLY,

Respondent-Appellant.

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UNPUBLISHED

April 11, 2006

No. 264772

Kalamazoo Circuit Court

Family Division

LC No. 92-000006-NA

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (j), and (l). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent has a long history of drug abuse and the trial court terminated her parental rights to six children in 1992 and 1997. Respondent relapsed into cocaine use while pregnant with the child that is the subject of this proceeding. Despite a four-month period of abstaining from drug usage during the pregnancy, the child tested positive for cocaine at birth and was removed from respondent. Thereafter, respondent was incarcerated for eight months, and after her release made positive steps toward recovery. As a result of these efforts, the trial court did not terminate respondent's parental rights at the initial disposition hearing even though the legal file and respondent's admissions supported the statutory ground for termination based on prior termination of parental rights. See MCL 712A.19b(3)(l). The trial court found that, during this very narrow window of time during which respondent was seriously pursuing sobriety, it could not find clear and convincing evidence to support termination under subsections 19b(3)(g) or (j). However, within two months respondent relapsed into cocaine use, missed visits with the child, and stopped participating in services, and within five months she was incarcerated for parole violation and prostitution.

Here, the evidence established that respondent's parental rights to her other children were previously terminated. MCL 712A.19b(3)(l). Further, respondent was unable to conquer her cocaine addiction for any significant length of time, and she admitted that life stressors caused her to relapse into cocaine addiction and emotional health issues. Also, because she failed to

participate regularly in services, respondent did not improve her parenting skills, which was critical in this case because the child has cerebral palsy and is developmentally delayed. Respondent was incarcerated for all but five months of the child's life and only visited him seven times. Similarly, she did not obtain employment despite being intelligent and educated. Under these circumstances, there was no reasonable expectation that she would be able to provide proper care or custody within a reasonable time, MCL 712A.19b(3)(g), and the likelihood exists that the child will be physically harmed if returned to respondent, MCL 712A.19b(3)(j).

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra